DOCUMENT RESUME

ED 411 166 SO 026 201

AUTHOR Montgomery, Marjorie, Ed.; Moulden, Richard G., Ed.

TITLE We, the People of the World...Student Perspectives. Special Programs in Citizenship Education: Comparative Legal Systems. Student Manual.

INSTITUTION CRADLE: Center for Research and Development in Law-Related Education, Winston-Salem, NC.; Wake Forest Univ., Winston-Salem, NC. School of Law.

SPONS AGENCY Department of Education, Washington, DC.
ISBN ISBN-1-879953-05-6
PUB DATE 1991-00-00
NOTE 29p.; Written by SPICE V Students.
CONTRACT S123A90052-89
AVAILABLE FROM Center for Research and Development and Law-Related Education, Wake Forest School of Law, P.O. Box 7206 Reynolda Station, Winston-Salem, NC 27109, telephone: 800-437-1054.
PUB TYPE Collected Works - General (020) -- Guides - Classroom - Learner (051)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Citizenship Education; Civics; Civil Law; *Comparative Analysis; Constitutional Law; Criminal Law; Cultural Differences; Due Process; Foreign Countries; *International Studies; *Law Related Education; Laws; Resources; Secondary Education; Social Attitudes; Social Studies; Student Projects; Student Publications

ABSTRACT

A compilation of student impressions of legal systems and constitutions in different countries, this booklet contains examples of student work completed at a 5-day law related education institute in Washington, D.C. in 1990. The institute brought together students representing seven different countries (China, France, United Kingdom, the Netherlands, India, the Philippines, and Sri Lanka) to explore law and social issues. Countries participating in the institute included Brazil, China, Denmark, France, Japan, Kuwait, Mexico, the Netherlands, and the Philippines. The booklet contains student poetry, letters, essays, and cartoons that express attitudes and positions on legal and constitutional issues that became topics for exploration at the institute. (TSV)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 411 166

We, the people of the world...

STUDENT MANUAL

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

Minor changes have been made to improve reproduction quality.

Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY

J M VanCamp

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

SO 026 201

SPECIAL PROGRAMS IN CITIZENSHIP EDUCATION: COMPARATIVE LEGAL SYSTEMS WRITTEN BY SPICE V STUDENTS

CENTER FOR RESEARCH AND DEVELOPMENT IN LAW-RELATED EDUCATION
WAKE FOREST UNIVERSITY SCHOOL OF LAW

BEST COPY AVAILABLE

We, the People of the World...
Student Perspectives

Special Programs In Citizenship Education:
Comparative Legal Systems

Written by
SPICE V Students

Edited by
Marjorie Montgomery
and
Richard G. Moulden

Published by the
Center for Research and Development in Law-Related Education
in cooperation with
Wake Forest University School of Law
Winston Salem, North Carolina

1991

We, the People of the World... Student Perspectives
Comparative Legal Systems

This publication is designed to accompany the lesson plan manual, "We, the People of the World..." written by teachers attending the SPICE V Institute.

Credits
Cover Design: Chimesa Harrison
Printer: NewSouth Printing Services
CRADLE Cartoons: David Hills

Published by
Center for Research and Development in Law-Related Education
Wake Forest University School of Law
P.O. Box 7206 Reynolda Station
Winston-Salem NC 27109
Telephone 919/759-5872; Telefacsimile 919/759-4672
Toll free# 1-800-437-1054

Copyright © 1991. Center for Research and Development in Law-Related Education, Winston-Salem, North Carolina. All rights are reserved, except that any part of this publication may be reproduced in any manner without the written permission of the publisher provided that: (1) the Center for Research and Development in Law-Related Education is credited as the source and (2) authors are given credit for their individual works.

Published at Wake Forest University School of Law, Winston-Salem, North Carolina, United States of America.

This publication was made possible by a grant from the United States Department of Education (S123A90052-89) and Wake Forest University School of Law. The opinions, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the United States Department of Education, Wake Forest University, or the Center for Research and Development in Law-Related Education.

ISBN # 1-879953-05-6

Library of Congress Catalog Card Number: 91-072239

Table of Contents

Introduction iv

Hometown Locations of Students Participating in SPICE V vi

Participants, SPICE V Student Institute vii

Teacher Mentors, SPICE V Student Institute viii

Selections of Student Perspectives

The Meeting of Two Minds, China and America *by Cathy Theon* 1

Poem for Two Voices: Who Decides? *by Lisa Hacken* 3

A Poem for Three Voices *by Amy Paro* 4

Land of the Free *by Monivone Lamkhamphoui* 6

Poem for Two Voices *by Lisa Hacken* 7

Please Let Me Know *by Lisa Hacken* 8

The Netherlands -- Not So Different *by Jennifer B. Askins* 9

The Death Penalty in Japan and the U.S. *by Asha V. Pai* 11

Privacy, Here and There *by Maalika Rastogi* 13

The Constitution of the Philippines *by Majal G. Aguirre* 15

A Letter to Xing *by Sarah Kuehl* 16

Reflections *by Alex Livingston* 17

About the Center for Research and Development in Law-Related Education . . . 18

Introduction to "Student Perspectives"

The Center for Research and Development in Law-Related Education assembled 66 exceptional high school students in Washington, D.C. in October of 1990. They were selected from applicants across the United States and seven different countries.

The purpose of the five-day institute was to examine and compare the legal systems and constitutions of different countries. In order to accomplish this goal, the students participated in many discussion groups and received academic tours of various institutions, including the United States Congress, the Supreme Court, and the embassies of nine foreign countries.

At their first meeting, the students became familiar with one another and came to understand the diversity in their backgrounds, talents, and opinions. Then, in small discussion groups led by student and teacher mentors, they tackled a variety of current legal issues. Students from Georgetown University Law Center helped guide the discussions. The issues included privacy, freedom of the press, freedom of religion and speech, search and seizure, and the death penalty for juveniles.

Armed with an understanding of that topic under the United States Constitution, each student then visited a foreign embassy. The students were divided so that the delegations to the embassies were comprised of at least one student from each of the five topical (issue) discussion groups. The participating countries were: Brazil, China, Denmark, France, Japan, Kuwait, Mexico, the Netherlands, and the Philippines. The students discussed their issues with representatives from the embassies and learned how their issue was dealt with in each country.

Upon their return from the embassies, the students discussed their findings within their issue groups. They communicated their learning experiences in written responses in one of four formats: poetry, letters, reports, or cartoons. Selections of their finished work are included in this compilation. Each student was allowed to choose the format he or she felt most comfortable with.

Poetry, especially Poems for Two Voices, is an excellent format for comparing and contrasting different points of view. Students wrote dialogues, matching a representative voice from the U.S. with a voice from another country, often the ones whose embassies they visited. Each side speaks individually, and sometimes the voices speak in unison, portraying agreements or agreed-upon differences. These pieces can be very effective when presented dramatically by two readers.

The letters were written from two points of view, either from a student in this country to a "pen pal" in another, or from a student in another country to a "pen pal" here. The relaxed format -- that of a message between two friends -- allows an informal and personal exploration of the topic.

The report is the most straight-forward and traditional of the four formats. The student is able to explore a topic fully, in a familiar way.

Cartoons provide a creative opportunity to express a point of view clearly and succinctly. This artistic method, albeit non-traditional, is an equally valid and effective means of conveying an idea.

The students from our Washington institute were excited about their subject material, and thus were well-motivated to communicate their discoveries. These four methods of communication gave the students an opportunity to respond to their experiences and to organize their thoughts into a collective review of the institute.

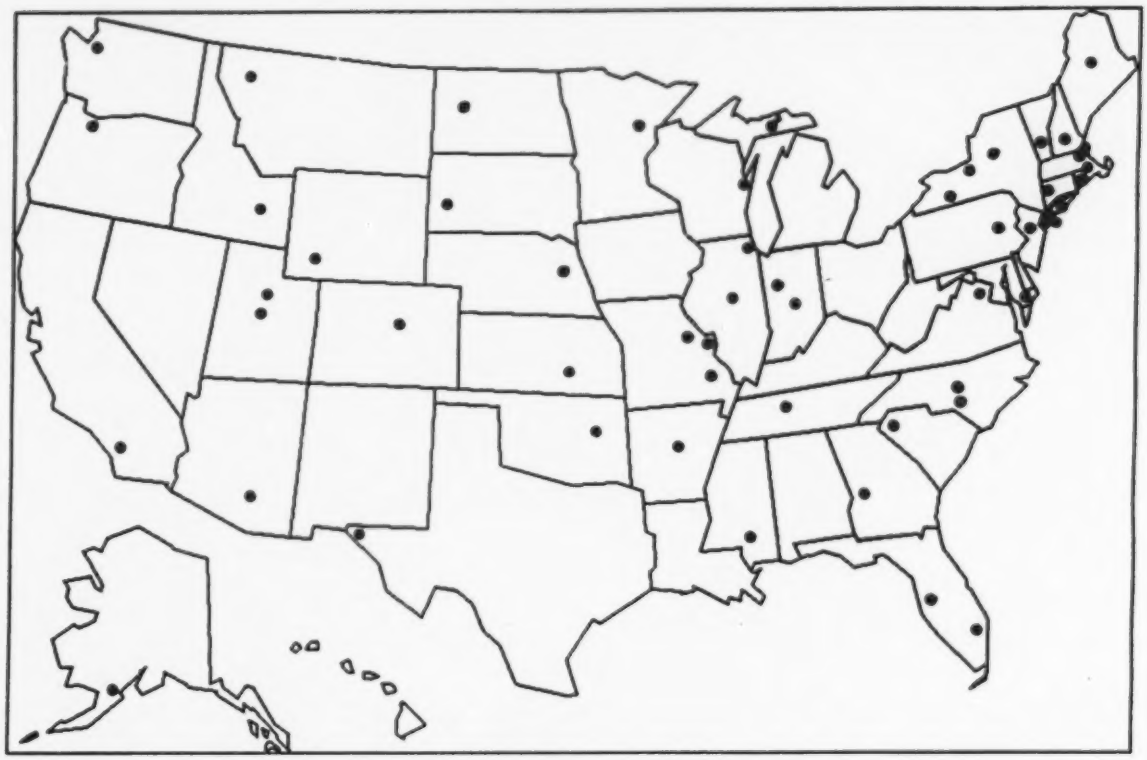
Each individual has a unique learning style, and *the students'* various styles should be stressed over *teachers'* favorite learning styles. The variety of communication formats gives students the opportunity to choose how they want to express themselves, and this choice can bring out the best in each student.

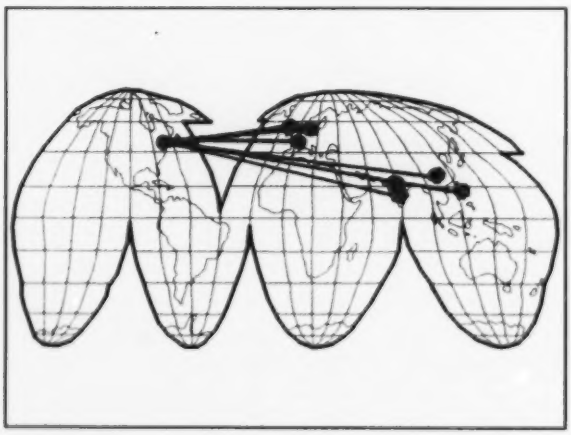
Try some of these methods in class! Please share your results with us at the Center for Research and Development in Law-Related Education, Wake Forest University Law School, P.O. Box 7206 Reynolda Station, Winston-Salem, NC 27109.

-- Student Mentors: *Andy Golden*
Matthew Laufer
Noah Reinhardt
George Whitesides
Mara Willard

PLEASE NOTE:
This compilation contains samples of students' impressions after brief reviews of the legal systems of different countries. The substance of those impressions are not as important as the sentiments expressed therein. As a result, the information given about various legal systems should not be used as primary source material.

Hometown Locations of Students Participating in SPICE V





Participants, SPICE V Student Institute

Travis Anderson
Decatur, Illinois

Majal Aguirre
New York, New York*

Jennifer Askins
Jacksonville, Arkansas

Catherine Bosiak
Pittsfield,
New Hampshire

Michelle Bradford
Greenville, Maine

Chad Brunton
Beech Grove, Indiana

Paul Buschbacher
Chicago, Illinois

Ada Bustamante
El Paso, Texas

Richard Butler
Rush, New York

Herman Chen
Rochester, New York

Jeremy Christensen
Sturgis, South Dakota

Phan Hue Chung
Beverly,
Massachusetts

Chris Collins
Cranston,
Rhode Island

Emily Curington
St. Leo, Florida

Andrea DiGregorio
East Stroudsburg,
Pennsylvania

Eric Estensen
Columbia Falls,
Montana

Nina Fields
Seneca,
South Carolina

Andy Golden**
West Newton,
Massachusetts

Jennifer Gordy
Snowhill, Maryland

Lisa Hacken
Orem, Utah

Steve Harmon
Monticello, Indiana

Chimesa Harrison
Wichita, Kansas

Sam Hunter
Sikeston, Missouri

Tracy Jenkins
Florissant, Missouri

Maartje Kapteyn
New York, New York*

John Harvey Klauk
Purvis, Mississippi

Sean Koegel
Chicago, Illinois

Sarah Kuehl
Omaha, Nebraska

Kathy Ladd
Homer, Alaska

Debbie Laible
Rock Springs,
Wyoming

Monivone
Lamkhamphoui
Minot, North Dakota

Matthew Laufer**
West Newton,
Massachusetts

Justine Lee
Pelham, New York*

Christopher Lees
Lakewood, California

K.J. Little
Muskogee, Oklahoma

Alex Livingston
Portland, Oregon

Catherine Lloyd
Portland, Oregon

Jonathon Lombardo
Danbury, Connecticut

David Masquelier
Pleasant Lake,
Michigan

Steven Nolly
Aurora, Colorado

Tracy Opicka
Kewaunee, Wisconsin

Asha Pai
New York, New York*

Amy Paro
Kent, Washington

Sara Peterson
Blackfoot, Idaho

David Potts
Laurinburg,
North Carolina

Vanessa Primiani
Flushing, New York*

Melissa Rasberry
Fayetteville,
North Carolina

Maalika Rastogi
Forest Hills,
New York*

Sophie Raven
New York, New York*

Noah Reinhardt**
West Newton,
Massachusetts

Jennifer Reynolds
Cranford, New Jersey

Thomas Ronan
St. Louis, Missouri

Julie Salamon
St. Louis, Missouri

Kim Sanders
Putney, Vermont

Ryan Slater
Cloquet, Minnesota

Terri Smith
Gloversville, New York

Jeremy Snyder
Columbus, Georgia

Charles Stamps
Nashville, Tennessee

Catherine Theon
McLean, Virginia

Jeff Thompson
Sandy, Utah

John Walker
St. Louis, Missouri

George Whitesides**
Newton Corner,
Massachusetts

Mara Willard**
West Newton,
Massachusetts

Darren Wrubel
Miami, Florida

**Students from the United Nations International School represented seven different countries: China, France, the United Kingdom, Holland, India, the Philippines, and Sri Lanka.*

***Student mentors who have participated in previous CRADLE programs.*

Teacher Mentors for the SPICE V Student Institute

Don Crowley
Needham, Massachusetts

Joseph Gotchy
Auburn, Washington

Robert Leming
Bloomington, Indiana

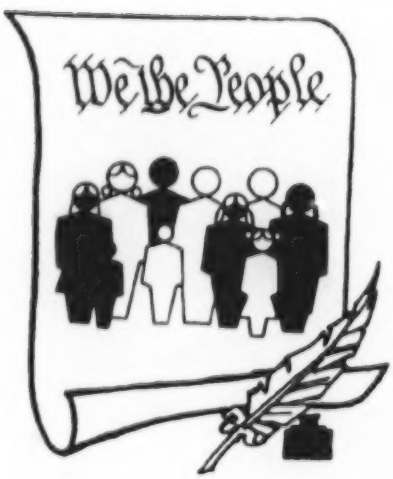
Marjorie Montgomery
Newton Corner, Massachusetts

Richard Moulden
Bellevue, Washington

Joseph O'Brien
Richmond, Virginia

Joan Thompson
Blackfoot, Idaho

June Williams
Winston-Salem, North Carolina



10

The Meeting of Two Minds, China and America

by Cathy Theon

China ***America***

Darkness shadows ignorant people
In its veil, hungry
Stalking its prey like a wolf.
It envelops what is not illuminated
And claims it as its own.

If I look at you

You cannot respond

Our eyes cannot meet in the sooty blackness.

If we light a candle

The flame will grow

And feed upon the dark,

Thrusting it back.

We stand face to face

Mirror-like,

Wondering

How is life different where you are?
What kind of candle glows so that you are protected
From the umbra of corruption and ignorance?

Documents, written long ago

A Constitution,

Uphold rights

To be ourselves and express our unique individuality.

A line, thin and hazy,

Is drawn

And, like detectives, we must

Find it,

Define it.

What is permitted and where are the limits set?

Unanswered questions glare at us.

Substance abuse,
Provoking locker
Searches in schools,
Hidden cameras in
Public places,

An invasion of privacy?

China

America

You eye me curiously

Disbelieving

These problems do not plague my society as they do yours.
The students in my country are occupied with studying
And have time for

Nothing more.

We do not have many instances where a locker,
A briefcase, or any private property would need to be searched,
And our Constitution provides for warranted searches only

As does mine.

We have many similarities.

We are not as different as we seem

Though oceans
Separate our ideas.

We can compromise and try to understand
Each other
And the systems that govern our countries.

Soon it will be our turn

To make decisions

In our countries,

To break barriers,

The previously
Immovable walls

Of fear

And prejudice

To be free.
Our language is not the same

But we can communicate

And be heard.

Let the candle burn more brightly
Into the future.

We can preserve our world

And live in peace

Together.

Poem for Two Voices: Who Decides?

by Lisa Hacken

Young Criminal

In America, they take your life
and call it

Justice

is relative and ambiguous. Who
decides when I am an

Adult

enough to kill, but being young
I just obeyed. He told me to

Shoot

What he did/I

was not *my* self, but an angry,
desperate

Youth

jury that tries adults are not my

Peers

No.

I am not guilty.

No.

Yes,

I should be

Free,

Who Decides?

Resentful Relative

demands a price be paid for every

Crime

or juvenile, the crime caused me
pain. Anyone who could do that is

Mature

him like he shot my brother. He who
kills deserves no better than

or Adult? Adult or youth, the
system should be

The same

pressure -- do we excuse?

He will not escape.

Never!

A Poem for Three Voices
by Amy Paro

President Bush

I am pleased that we have agreed to conduct this summit meeting, Sheikh Al-Sabah.

Sheikh Al-Sabah

And so am I, President Bush. We have many topics to discuss that are invaluable for a better understanding of our societies.

Saddam Hussein

Just a moment, gentlemen. I *will* be included in this meeting. I am the ruler of this new Iraqi territory. The State of Kuwait no longer exists.

The structures of our governments are based on a democratic system. The people elect the legislature and the legislature works for the people.

You must have complete control in order to maintain absolute power. The people will follow the lead of a strong ruler.

Literacy, education, and technology are the means of opening doors to a productive and successful future.

How can you expect these things to help you without a strong military to protect your assets?

But what is the reasoning behind defending a society that has been neglected and hasn't shown any substantial social or technological growth?

Sheikh Al-Sabah, take a long look at where this perspective has placed your country today. Is it still your country? Now what do you think?

Mr. Hussein, I suggest you guard your back carefully. There are 106 countries that strongly support the State of Kuwait and they have placed economic sanctions against Iraq. Take a long look at what that is doing to the people of your country. Or do you even care?

A Poem for Three Voices, continued

President Bush

I also ask you, Mr. Hussein, have you considered that all but two countries in the United Nations have supported the United States' efforts to free Kuwait? Never before have so many nations voted against the actions of one country. I would not like to be in your position, Mr. Hussein.

Sheikh Al-Sabah

From what we have seen, your record of human rights violations does not demonstrate good judgement. Our judicial systems operate with the policy that a person is innocent until proven guilty.

How do you justify the execution of 120 of your officers who opposed the invasion?[1] Freedom of speech and the press are an essential element of a progressive society.

Mr. Hussein, I am surprised to hear this. Your confidence in your ability as a leader must be sorely inadequate if you feel you have to keep your people ignorant for them to believe in you and your decisions.

Saddam Hussein

My judgement and efforts have Allah's blessing and my troops stand behind me. I cannot lose.

It is not possible to sustain order when each man is given a trial with possibility for acquittal.

In my country, no one opposes my power. It is the law. Anyone who chooses to do so will be executed.

I do not doubt my ability and neither does Allah.

---

[1] Information provided by "Citizens for a Free Kuwait."

Land of the Free

by Monivone Lamkhamphoui

America is like a rainbow,
That's full of many kinds of people.
East, west, north, or south,
America will treat you the same
without a doubt.
We are the melting pot of the world,
Which is precious like a pearl.
Our Constitution set us free,
Just to be you and me.
Our Founding Fathers taught us to
believe in
What we want, and we can achieve.
They believed in equal rights,
And for our future we must fight.
From our nation's capital to the
Golden Gate,
The whole land is like a majestic
estate.
So, lend us a helping a hand,
And make a stand for this great land.

Poem for Two Voices

by Lisa Hacken

Erik of Denmark ***Pedrãu of Brazil***

I am Erik

and I am Pedrãu.

We come from different countries --

mine Denmark

and mine Brazil.

We share experiences.

I am 14

and I, 15.

We both took a life

prematurely.

Without thinking,

it happened.

My parents shoulder my burden.

I will pay in time.

Erik, do you mean you live at home?

Yes, Pedrãu. My parents
felt the punishment. We chose
not to take me from my home.

Such choices? No punishment for killing?

No prosecution for a youth.
You, where do you live?

In an institution, Erik.
I mark my time with children.

Children who committed
a societal crime, like us.

A different system for children,
defined by our ages.

No system for "children."
The parents pay.

Different countries,
laws differ, the
crime remains the same.

Please Let Me Know

by Lisa Hacken

Dear Mom, Dad, family,

I'm writing to tell you how truly sorry I am for everything I did. I know you felt a lot of pain -- I'm sorry, that's all I can say. Please, try to understand how it happened. I was younger. I didn't stop to think of the results. I only knew I had to obey the demon in my blood. I've overcome that voice, but, oh, at what price?

They tell me the appeals will last for years. Mom, Dad, sometimes I want to just die right now. The agony of indecision rules my life. If I only knew! Not knowing when I'll die -- it's torture. Did you know only three other countries execute juveniles? Juvenile -- that's what they call me.

I don't really do anything all day. I'm fascinated with death now, because it could come at any time. It scares me, and so does this fascination. I think about it all the time.

I read about kids like me in other countries. I've learned more here in four years than I ever did in my thirteen years out there. I'm not learning like you do, Sam, in school. I'm learning about life, too. In Denmark, kids don't even have to leave their homes. The parents are responsible for their crimes if the kids are under fifteen. Just think, I'd still be at home because I was so young when it happened.

You know what, Julie? Brazil doesn't even use the death penalty. Do you remember how we used to joke about running away to Brazil during the winter? I remember everything now. It's all I do -- think about all of you. I remember the fights over the television. Julie, Sam, it doesn't matter. Nothing like that matters now. The only thing I care about now is you guys.

Losing all of you, not being able to go riding anymore, it's not worth the little bit of money Tom and I thought we could get. But isn't it enough? Do I have to give up my family, my freedom, and my life? I've suffered enough. The only thing left is my sanity.

Four years with no letters. Please let me know you still care.

Yours regretfully,
John

The Netherlands -- Not So Different

by Jennifer B. Askins

Dear friend,

I am an American high school student in the midst of an in-depth study of comparative legal systems. I am truly fascinated by the similarities between our United States Constitution and your Constitution of the Netherlands. Both have a system of separation of powers, divided into three equal branches of government (executive, legislative, and judicial). It is my understanding that your government is much like that of Great Britain, in the sense that your queen can justly be compared to our president.

In the United States, we have different departments of government, led by various secretaries. These secretaries are appointed by the president and confirmed by the Senate, and together make up the presidential cabinet. They inform and advise the President when it becomes necessary. This is not unlike the ministries of your government, led by ministers appointed by your queen.

Both of our nations contain a bicameral legislature. Your Parliament is similar to our Congress. Your upper house is comparable to our Senate, and your lower house comparable to our House of Representatives. Our legislators and yours alike are elected by a majority vote.

The United States Congress holds many of the same powers as your Parliament, with one major difference. In the United States, the power to interpret the laws is given to the Supreme Court. Under the Dutch Constitution, this power is held by Parliament. The people of your nation support this concept because they feel that such an important government duty should be the responsibility of elected officials. The national judges in both of our countries are appointed, but in the United States other judges are either elected or appointed, depending upon the state.

Under the United States Constitution, the Supreme Court's primary function is the interpretation of the law. Your Supreme Court, like ours, is the highest court in the land, and has the power to annul the decision of a lower court.

There is yet another aspect of your constitution that I have found to be astounding in my study of your nation. I am speaking of the rights of citizens. Freedom of religion, freedom of speech, freedom of assembly, freedom of petition, and freedom of the press are all guaranteed in both the United States and the Netherlands.

In both of our nations, the same basic rights that apply to adults apply to children as well. The same fundamental rights apply to all citizens. In public schools in both countries, these rights are sometimes denied. For instance, American and Dutch students cannot be suspended for freedom of speech, but can be suspended for disruptive behavior. Dutch schools have a national curriculum which must be taught. The curriculum for American schools varies from state to state, and even from district to district. However, there is only a slight difference.

Another issue involving justice in the Netherlands is the use of the death penalty. In your nation, it is outlawed altogether. This is different from the United States, where in some states the death penalty is used as a punishment for the highest of all crimes. The Fourth Amendment to the United States Constitution states that it is the right of the people to be protected from unreasonable searches and seizures. Your constitution also provides for this. In the United States, police must have obtained a valid search warrant from the court to search a home or car. Police must have probable cause even to get a search warrant.

Reasonable suspicion and probable cause are important things to consider when questioning the right of the people to be protected from unreasonable searches and seizures in both of our nations.

In reviewing my studies of your government, I find that the United States and the Netherlands are alike in many ways. The knowledge that I have gained by studying your nation has led me to the conclusion that the Netherlands is a wonderful country in which to live and to visit. Being of partial Dutch ancestry, I hope to visit your nation some day.

Sincerely,

Jennifer

The Death Penalty in Japan and the U.S.

by Asha V. Pai

Dear Aki,

As of late I have been studying the death penalty in America and have been comparing its usage here with the usage of the death penalty in Japan. I was rather surprised to find that while in the U.S. there are thousands of people on death row, in Japan there are only about one to four such executions a year. A topic that my schoolmates and I have been addressing is the controversial nature of the juvenile death penalty in America. In Japan a person is considered to be a juvenile until the age of 20, while in the U.S. a person is considered a juvenile only until the age of 18. Though not very common, juveniles have been sentenced to death in my country, so it is hard for me to imagine that a minor has not been executed in Japan since World War II.

Like America, Japan does have separate legal systems for adults and juveniles. However, I have learned that the Japanese and American legal systems take very different approaches on the subject of serious crimes committed by juveniles. One rather important factor is that the Japanese legal system tends to focus much more on rehabilitating the accused because of the person's youth. The goal of the Japanese is to reform the offender when they are still relatively young, with the hope that in the future they will be able to live normal lives and never commit a crime. This seems to be a good way to approach the problem.

Unlike Japan, the American legal system has much more of a tendency to sentence youngsters to jail terms, and in some cases the very controversial death penalty. Though both countries take careful consideration of the background and family history of the accused, I found that in Japan this information is one of the more important factors in deciding the punishment (along with the actual crime committed), be it rehabilitation or a jail term, while in the U.S. the severity of the crime committed is the main criteria of the punishment. From what I have heard the Japanese are much more conscious of the difference between a juvenile and an adult; perhaps that is why the death penalty is not used against minors.

While studying the differences between the use of the juvenile death penalty in Japan and the U.S., I spoke to a Japanese lawyer who told me of the attitude of the Japanese towards the death penalty in general, and about crime in Japan. I was aware that the crime rate in Japan is much lower than the crime rate here in the U.S., and that drugs are not as big a problem there as they are here. However, one thing that took me by surprise is that the juvenile death penalty, or for that matter the death penalty itself, is not a topic of general public interest there as it is here. I was told (and it later made sense to me) that the reason for the general lack of interest on the topic of the death penalty in Japan is because there are so few cases in which possible use of the death penalty is even brought into question. In Japan, the death penalty is used for only a select few cases.

Though I am a supporter of both the juvenile and adult death penalties, I feel that the U.S. legal system should look to Japan as an example and try to use the death penalty far more selectively than it does now. If they were able to do this they would be less likely to execute the wrong person, and they would also be able to put to rest that argument against the death penalty. I also hope that America would follow Japan's lead and concentrate more on reforming minors who have committed crime rather than punishing them. I believe the death penalty should be used only in the *most* brutal cases of murder, where the murderer shows little or no remorse. I also feel the number of deaths should be taken into account.

Aki, I hope you will read this letter and write to me of your opinions and beliefs regarding the juvenile death penalty. I am very interested in knowing what you, as someone who is Japanese, think of the topic.

Hoping to hear from you soon,

Asha

Privacy, Here and There
by Maalika Rastogi

Dear Sarasa,

In October, I attended a week-long comparative legal systems program organized by the Center for Research and Development in Law-Related Education, held in Washington, D.C. As a result of my meetings with several Georgetown University law students and my visit to the Japanese Embassy, I learned much about the legal systems of both our countries and how they compare. Most of my research, however, was aimed at examining the similarities and differences between juveniles' rights concerning privacy in the United States and Japan, and I would like to share my findings with you.

To begin with the similarities, the privacy issue is not an easy one to deal with in both countries simply because its terms cannot be clearly defined. Questions such as when is one's privacy invaded? and what is the definition of privacy? cannot be answered unless specific circumstances are given.

Both Japan and the United States ensure some protection against the invasion of one's privacy in their national doctrines. In the U.S. Constitution, Amendment IV states:

> "The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

As you can see however, the protection one is granted by this is very vague. I believe that it is the same way in your constitution, too. In your country, privacy in the home generally seems to be granted unless there is probable cause for a search and seizure procedure. Our definition of probable cause is also quite similar. In America, like in Japan, under normal circumstances it would be a judge's approval, a witness' testimony, or some sort of substantial evidence.

The differences as far as the privacy issue is concerned, in America and Japan, are mostly due to the fact that in the United States people are more aware of their rights and as a result do not hesitate to voice them. Another contributing factor is that whereas Japan is more of a closed and conservative society, America is quite open, no matter what the issue.

In America, it is very likely for one's privacy to be invaded because of the media. This is because in our society the media's role is a great one. To my knowledge there is no great restriction on the media as far as juvenile cases are concerned. In Japan, I understand that it is different in that the media is not permitted to cover juvenile cases -- that they remain private.

Another significant difference exists in issues concerning abortion and juveniles. I am aware of the fact that in Japan abortion is regulated and that it is not something much talked about, thus it remains private. In America, on the other hand, abortion is talked about extensively and at this point it is not broadly regulated, thus generally it is not "private" to the same degree as in Japan.

Another significant difference I discovered that I believe would affect juveniles, is the privacy issue in school. In Japan there is not much need for surveillance equipment so students do not have to worry about this type of invasion of privacy. But, students might be searched without a cause. The intention of such procedures, however, is in order to regulate student behavior. Thus there is some invasion of their privacy but with good

reason. In the United States, surveillance equipment can be implemented in school without permission due to the great drug problem here and students might be searched without sufficient cause as well. The "good" reason behind this is that it is for the welfare of everyone.

A final thing you might be interested in knowing is that in both the USA and Japan, punishments in juvenile law are less severe as both countries are more interested in rehabilitating and reforming their youth rather than punishing, as it is in the hands of the youth that lies the future of this world.

This concludes my week-long studies. I hope that you have found them to be both interesting and informative. If you have any further questions, please do not hesitate to write and ask.

Yours sincerely,

Maalika

The Constitution of the Philippines
by Majal G. Aguirre

The Constitution of the Philippines was predominantly influenced by Spain and the United States since Spain had governed the Philippines for 351 years and the United States then took over in 1898. The United States has continued to be involved in the affairs of the Philippines until the present day. The Philippines gained independence on June 12, 1898 and a constitution was developed. The most recent reenforcement and amendment of the Constitution occurred in 1987 after the People's Power revolution in 1986.

One major difference in the Constitution is in the wording of the Preamble which includes the word love. This is the only constitution which contains this word. The purpose of this inclusion is to neutralize all factions under the notion of love. This somehow gives us an insight on the Filipino mentality, their value of fraternity and kinship.

The Constitution describes the Philippines as a democratic republic state, emphasizing that the power lies with the people. It also renounces war, preferring civilian supremacy over the military. It declares the separation of church and state and yet the Church remains a powerful influence over the Filipino society. There is a provision, due to the fact that the Philippines is a Catholic country, protecting the life of the unborn, which prohibits abortion.

In voting, one has to be 18 years or older. One must have residency but there are no literacy or property tests. Another unique aspect is the fact that membership in the House of Representatives is not limited to the elected. There are representatives for minority groups such as the disabled, women, farmers, veterans, and laborers.

Education is accessible to all, elementary being compulsory. Education is free for the elementary and high school levels. Academic institutions recognize the freedom of speech and student demonstrations are accepted unless they take a violent turn.

The Constitution of the Philippines appears to be very ideal, like most constitutions. But, it still has to be proven whether the government is capable of making it function to the advantage of the majority. So far, the history of the Philippines has illustrated the corruption and advantage of the privileged minority over the poverty-stricken majority. The new Agrarian reform program also displays many loopholes that the minority can take advantage of. The government must now find a way to work out these differences and represent the Constitution and what it stands for in the best possible light. It must prove that the Filipino people believe in what they have stated in the Constitution -- along with the declaration of love.

A Letter to Xing
by Sarah Kuehl

Dear Xing,

I recently had a chance to visit your Chinese embassy in Washington, D.C. We toured the building and looked at various priceless artifacts. You have a beautiful culture! After our tour, we had a chance to question one of your representatives in the embassy. She specializes in education, and she answered several inquiries regarding the death penalty.

It was interesting to see how differently our two countries deal with this issue. In the U.S., 37 states provide for the death penalty in the cases of murder, armed robbery, and aggravated rape. Of those states, ten require convicts to be at least 18 years of age; 15 states have a minimum of age 10 and above; and 12 states stipulate no age limits. In fact, 192 children under the age of 18 have been executed in the United States over the course of history. The youngest person ever to be killed was 14 years old.

This issue is a huge controversy in our country today. Teenagers and mentally retarded people are eligible for the death penalty. Is this fair? Many people argue that children under 18 years of age have not fully matured and don't realize the consequences of their actions. The opposition says there is clear evidence to suggest that teens are aware of their actions and intentions. Who is to say whether a 13-year-old is capable of fully comprehending the consequences of murder or rape?

In your country, however, the picture seems much brighter. I was told that Chinese law requires a convict to be at least 18 years of age before being considered for the death penalty. If a child under 18 years of age commits a serious crime, he or she is sent to a special reform school. Perhaps it is a better idea to educate the younger people and give them a second chance before taking their lives away.

It is also interesting to note that the Chinese crime rate is significantly lower than that of the United States. This is one of the reasons fewer people are given the death penalty in your country.

Despite these differences, there are several similarities between our countries. In both China and the United States, defendants are allowed a fair trial and a lawyer. We are also guaranteed to a trial by jury or a judge and the right to appeal to a higher court.

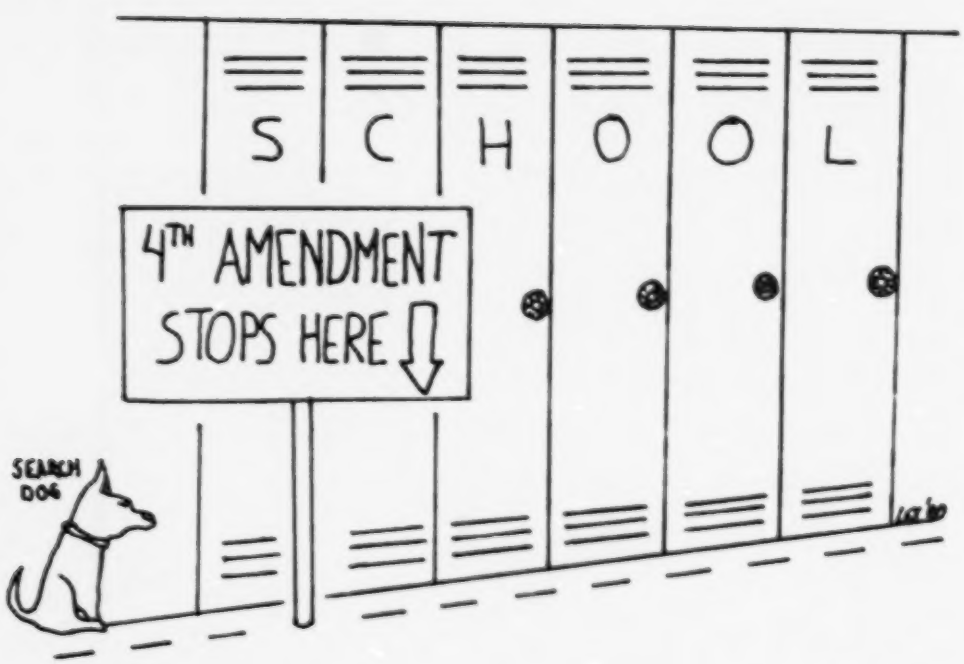
Well, thank you very much for listening to me. I look forward to hearing from you.

Sincerely, your friend,

Sarah

Reflections
by Alex Livingston

YOU THINK THIS IS TOUGH, TRY DOING A HIGH SCHOOL



About the Center for Research and Development in Law-Related Education...

The Center for Research and Development in Law-Related Education is a private, non-profit corporation governed by a national Board of Trustees composed of law-related education leaders, Wake Forest University faculty, and community leaders who believe in the CRADLE mission. It was founded in 1983 on the bubble-up theory of management and curriculum development. Leadership comes from the grassroots, with CRADLE constituents serving on the Board, as regional coordinators, and in other leadership capacities. The Center's activities are implemented through a central staff, ten regional coordinators, and state teams.

National Repository of Lesson Plans

As chair of the Commission on the Bicentennial of the United States Constitution, former U.S. Supreme Court Chief Justice Warren Burger designated CRADLE as the "national repository" for teacher-developed materials on teaching about the law and the Constitution for elementary and secondary level students. Teachers throughout the United States request copies of lesson plans in the repository for use in their own classes. Repository materials are disseminated through the publication of K-12 lesson plan manuals, catalogs describing recently-developed lessons, and national and regional conferences featuring the CRADLE network of teachers. We also distribute a quarterly newsletter (SPLICE) to members of our network and other LRE organizations.

S L I C E - Sharing Lessons In Citizenship Education and S P I C E - Special Programs In Citizenship Education

These programs are designed to provide "caring, sharing, and daring" experiences for teachers to help them develop and share innovative lesson ideas. In recent years, each regional coordinator has conducted training sessions for state team members, and each state team has sent representatives to summer institutes. Special programs have been provided for students, such as the recent Comparative Legal Systems institute in Washington, D.C. It is through these programs that lesson plans are developed, tested, edited, and catalogued in the national repository.

Interactive Video on the Supreme Court and the Bill of Rights

A special project for 1991 is the development of an interactive video program to use in teaching secondary level students about the role of the Supreme Court in the protection of Constitutional rights and the evolution of those rights.

For more information or to request a catalog of available lesson plans:

Center for Research and Development
in Law-Related Education
Wake Forest University School of Law
P.O. Box 7206 Reynolda Station
Winston-Salem NC 27109
Telephone 919/759-5872
FAX# 919/759-6077
Toll free# 1-800-437-1054

"Why should there not be a patient confidence in the ultimate justice of the people?"
-Abraham Lincoln

Center for Research and Development in Law-Related Education
Wake Forest University School of Law
P.O. Box 7206 Reynolda Station
Winston-Salem NC 27109

ISBN # 1-879953-05-6